

Title: Confidentiality of Retailer Information

Purpose

Information about any retailer/farmer with the exception of name, address, authorization status, telephone number, website and email address, and store type is considered confidential. Release of confidential retailer information is limited by the Federal WIC Regulations.

Authority

7 CFR 246.26(e) and (f)

Policy

The release of confidential retailer information is restricted.

I. The release of confidential retailer information to:

- A. Persons the State Office has determined have a need to know for program purposes because of a direct connection with the administration or enforcement of the WIC Program or SNAP, for example:
 - 1. Montana WIC Program Local Agency Retailer Coordinator or their designate;
 - 2. Contractors hired by the Montana WIC Program to perform compliance buys or investigations of program abuse;
 - 3. Other WIC State Agencies;
 - 4. Other WIC State's Local Agencies; and
- B. Persons investigating or prosecuting WIC or SNAP violations under Federal, State or local law.
- C. Persons directly connected with the administration or enforcement of any Federal, State law (see notation).

Note: A written agreement must be entered into with any non-Federal agency specifying that information provided may not be used or disclosed except for the direct purpose of administration or enforcement of a Federal or State law.

- D. An individual Retailer when subject to an adverse action, including claim information related to the adverse action.

II. Limitations of WIC

- A. The Montana WIC Program will apply the same limitations to the use and release of information obtained from SNAP regarding SNAP retailers whether or not the retailer is also a WIC retailer.

III. Procedures

- A. The release of retailer/farmer information beyond retailer name, address, authorization status, telephone number, website and email address, and store type is directed by Guidelines (above). All requests for confidential retailer/farmer information must be directed to the State Office.
- B. Requests for confidential retailer/farmer information will be treated the same for a WIC Retailer or a SNAP Retailer.

IV. Who May Authorize

- A. The Montana Vendor Coordinator or the Montana WIC Program Director will determine the appropriateness of a request for confidential retailer information.

V. Requirements

- A. Requests for confidential retailer information from an entity outside of the Montana WIC Program must be in writing.

VI. Timeline

- A. The Vendor Coordinator will respond to the request for confidential information within ten (10) working days with the exception when legal advice or a legal opinion is sought from the DPHHS legal services. In the event the request to legal services delays the response, the Retailer Coordinator will notify the requestor in writing of the delay. No request response will be delayed beyond thirty (30) days.

VII. Documentation

- A. Any request for confidential retailer information must be documented in the Retailer's file by dates including any action taken, agreement for release or information released. State Office staff responsible for each action must sign the documentation.